



Budapest Treaty Deposits

PF 261

American Type Culture Collection

12301 Parklawn Drive, Rockville, MD 20852 USA, Telephone (301) 231-5520 Fax (301) 816-4366

TO DEPOSIT OR TO CONVERT A DEPOSIT TO MEET THE REQUIREMENTS OF
BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE
DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

1. Name of deposit (e.g., microorganism, cell line, seed, plasmid, etc.). If cell line, please provide tissue & source
DNA Plasmid
2. Strain designation (i.e., number, symbols, etc.). 413412
3. Is this an original deposit under the Budapest Treaty? Yes
4. Is this a request for a conversion of a deposit already at the ATCC to meet the requirements of the Budapest Treaty? If so, please indicate ATCC designation. No
5. Is this deposit a mixture of microorganisms or cells? No
6. Provide details necessary to cultivate, test for viability and store deposit. If mixture, provide description components and a method to check presence.
See instructions attached as Appendix A
7. Provide an indication of the properties of the strain which are or may be dangerous to health or the environment.
Not aware of any such properties
- *8. Provide sufficient description so that ATCC may confirm deposit properties (e.g., Gram negative rod).
n/a
- a. If deposit is a cell culture, is it being cultured in the presence of antibiotics? If so, please list antibiotics.
- b. If deposit is hybridoma, what is the isotype of antibody produced?
- *9. Is this strain zoopathogenic? n/a phytopathogenic? n/a
10. (MUST BE COMPLETED) Packaging Class I, II, III, IV (In accordance with U.S. Public Health Services Regulation 42 C.F.R. § 72.3 (a)-(f))? I
11. Does this strain contain plasmids relevant to the patent process? Yes
If so, what physical containment level is required (National Institutes of Health Guidelines Involving Recombinant Molecules, i.e., P1, P2, P3 or P4 facility)? P1
- *12. Isolated from?
- * The answers to these questions are recommended but not required.

ATCC USE ONLY

ATCC DESIGNATION _____ RECEIVED _____ V.T. RESULT & DATE _____

FEES: 30 years' storage \$600. 30 years' notification \$360. Viability testing \$100 to \$400 or quoted price, dependent on necessary material and/or equipment. Expedite ATCC number \$10. Return sample for analysis if not submitted frozen or freeze dried) \$30. Prepare additional samples of cells or hybridomas \$500. Additions \$500. Additions \$500. Additions \$500.

STORAGE: Cultures are stored for 30 years from date of deposit and for five years from date of notification.

Ruben EXHIBIT #41

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Budapest Treaty Deposits

FF 261



American Type Culture Collection

12301 Parklawn Drive, Rockville, MD 20852 USA, Telephone (301) 231-5520 Fax (301) 816-6366

TO DEPOSIT OR TO CONVERT A DEPOSIT TO MEET THE REQUIREMENTS OF BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

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See instructions attached as Appendix A
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Not aware of any such properties
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ATCC USE ONLY

ATCC DESIGNATION _____ RECEIVED _____ V.T. RESULT & DATE _____

FEES: 30 years' storage \$600. 30 years' notification \$360. Viability testing \$100 to \$400 or quoted price, dependent on necessary material and/or equipment. Expedite ATCC number \$10. Return sample fee (if not submitted frozen or freeze-dried) \$30. Prepare additional samples of cells or hybridomas \$500. Additional storage: Cultures are stored for 30 years from date of deposit and for five years from date of notification.

Ruben EXHIBIT 2041
Ruben v. Wiley et al.
Interference No. 105,077
RX 2041

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TO DEPOSIT OR TO CONVERT A DEPOSIT TO MEET THE REQUIREMENTS OF BUDAPEST TREATY ON THE INTERNATIONAL RECOGNITION OF THE DEPOSIT OF MICROORGANISMS FOR THE PURPOSES OF PATENT PROCEDURE

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ATCC USE ONLY

ATCC DESIGNATION _____ RECEIVED _____ V.T. RESULT & DATE _____

FEES: 30 years' storage \$600. 30 years' notification \$360. Viability testing \$100 to \$400 or quoted price, dependent on necessary material and/or equipment. Expedite ATCC number \$10. Return sample for approval (if not submitted frozen or freeze dried) \$30. Prepare additional samples of cells or hybridomas \$500. Additional costs for return of samples outside U.S.A. **STORAGE:** Cultures are stored for 30 years from date of deposit and for five years after the last request for a sample.

13. After a U.S. Patent issues, ATCC makes the culture available to anyone who requests it, as allowed under U.S. law. Prior to issuance of a U.S. Patent, ATCC will only make a culture available as instructed by the depositor or the patent office. In addition to those entitled to a sample under the Budapest Treaty and the European Patent Convention, do you wish the strain made available:
- a. As of the date of deposit to anyone who requests a culture? (If "yes", there are no restrictions on distribution from date of deposit or conversion to Budapest). No
- b. To requestors which satisfy Patent Offices in countries not signatory to the Budapest Treaty? If "yes", please state which countries. Yes, Canada, South Africa, Israel, Mexico
14. Do you wish ATCC to inform you of all requests for this strain? (\$360 fee for 30-year informing). Yes
15. Would you like expedited notification of your ATCC number? (\$10 fee). ATCC must observe viability first. Yes
- Name of Individual. Robert H. Benson, Ph.D., J.D.
- Fax No. (301) 309-8512 Telephone No. (301) 251-6015
16. Payment by check, or credit card (MasterCard or VISA), must accompany the deposit unless prior arrangements for billing have been made and approved. If arrangements have been made to bill you for services, please indicate person who should receive invoice. Also, please include P.O. number.
- Tina Powers c/o Human Genome Sciences, Inc. P.O. 22223
- 9410 Key West Avenue
- Rockville, Maryland 20850
- Credit Card number (Indicate MasterCard or VISA) _____ Expiration Date _____
- Type or print the name shown on credit card _____ Signature _____
17. Name and address of your attorney of record. Robert H. Benson, Ph.D., J.D.
Human Genome Sciences, Inc., 9410 Key West Avenue, Rockville, Maryland 20850
18. **MUST BE COMPLETED.** Owner of deposit. (Verify with your management who owns the deposit. The owner is usually a company or institute, and normally is not an individual.) HUMAN GENOME SCIENCES, INC.
9410 Key West Avenue, Rockville, MD 20850
19. Additional comments. PF261 FAS Ligand

I understand and agree that the deposit may not be withdrawn by me for a period specified in Rule 9.1 of the Budapest Treaty (at least 30 years after the date of deposit and 5 years after the date of the most recent request for the deposit), and that if a culture should die or be destroyed during the life of the patent, or the period of time specified, it is my responsibility to replace it with a living culture of the same organism or cell. In the cases of viruses, cell cultures, plasmids, embryos, and seeds, it is my responsibility to supply a sufficient quantity for distribution for the period of time specified above.

Typed Name Robert H. Benson Signature Robert H. Benson Date Feb 16, 1996

Address. 9410 Key West Avenue
Rockville, MD 20850

THIS FORM MUST BE COMPLETED IN ENGLISH

ADDRESS SHIPMENTS AND FORM TO THE ATTENTION OF:

Ms. Annette L. Bade, Esq.
American Type Culture Collection
12301 Parklawn Drive
Rockville, MD 20852 U.S.A.

Appendix A

The deposit is a cDNA insert cloned into a pBluescript SK(-) vector, which will confer ampicillin resistance upon transformation. It is stored as plasmid DNA in water and should be maintained at -80°C. To test viability, the plasmid DNA must be transformed into an E.coli strain such as Stratagene XL-1 Blue and spread on LB plates containing 100 µg/ml ampicillin followed by overnight growth at 37°C. Oligonucleotide primers specific for the insert DNA sequence can be synthesized and used in a PCR amplification containing the deposited plasmid as template.

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